IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22391 of 2004

Between:

Pakiram Siddaiah S/o late Abaddam
R/o Doramamidi Buttaigudem Mandal,

West Godavari district

..... PETITIONER

AND

The Special Deputy Collector (Tribal Welfare)

Kota Ramachandrapuram, West Godavari District

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction one in the nature of Writ of Mandmaus directing the respondent to conduct an enquiry on our representation dated 8-9-2004 covered the lands of Ac. 9.05 cents in R.S. No. 474, Ac. 5.53 cents in R.S. No. 75/1, situated at Doramamidi Village as per the provisions of LTR Regulations.

Counsel for the Petitioner: Mr. NARAM.NAGESWARA RAO

Counsel for the Respondent: GP FOR SOCIAL WELFARE

The Court at the admission stage made the following :

ORDER:

This Writ Petition is filed seeking a direction to the respondent to conduct an enquiry on the representation dated 08-09-2004 made by the petitioner in respect of the lands covered in Sy.No.474 of an extent of Ac.9.05 cents and Sy.No.475/1 of an extent of Ac.5.53 cents situated at Doramamidi Buttaigudem village.

2. Learned counsel appearing on behalf of the petitioner contended that in spite of the representation dated 08-09-2004 made by the petitioner to the respondent, the respondent has not conducted any enquiry as contemplated under Section 3 of the Regulation 2/70.

3. On the other hand, the learned Government Pleader for Social Welfare appearing on behalf of the respondent contended that the Mandal Revenue Officer has already passed an order handing over possession to the third parties and another and the question of re-conducting enquiry does not arise. The remedy open to the petitioner is only to challenge the order passed by the Mandal Revenue Officer. He further contended that Section 3 of the Regulation 2/70 has no application, since order was already passed by the Mandal Revenue Officer.

4. The dispute is with regard to an extent of Ac.9.05 cents in Sy.No.474 and an extent of Ac.5.53 cents in Sy.No.475/1 of Doramamidi Buttaigudem village. As per the instructions received from the District Collector by the Government Pleader for Social Welfare, it is clear that the Mandal Revenue Officer, Doramamidi Buttaigudem village has already handed over the possession of the same to the third parties and another as on 26-03-2004. Therefore, the question of consideration of the representation dated
08-09-2004 made by the petitioner does not arise. The remedy open to the petitioner is only to challenge the order passed by the Mandal Revenue Officer, handing over possession of the land to third parties. Therefore, the Writ Petition is devoid of

merits.

4. Accordingly, this Writ Petition is dismissed. However, dismissal of the Writ Petition does not preclude the petitioner to take appropriate proceedings. All the contentions raised in the Writ Petition are left open.

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(K.C.BHANU,J)

2nd February, 2005.

Note:

Furnish C.C. by two days

(B/o)

tsy

To

1. The Special Deputy Collector (Tribal Welfre)

Kota Ramachandrapuram,

West Godavari District.

2. Two CCs to the GP FOR SOCIAL WELFARE,

High Court Buildings, Hyderabad (O.U.T.)

3. Two CD Copies.